

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN

Monday, February 10, 2014, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Guy Gentry, President; Jeff Valiant, Vice-President; Bill Byers; Amanda Mosiman; Brad Overton; Richard Reid and Jeff Willis.

Also present were Morrie Doll, Attorney; Sherri Rector, Executive Director and Sheila Lacer, Staff.

MEMBERS ABSENT: None

Roll call was taken and a quorum declared present.

MINUTES: Upon a motion by Jeff Willis and seconded by Jeff Valiant, the Minutes of the last regular meeting held January 13, 2014, were approved as circulated.

ANNUAL REPORT:

The President stated the annual report was submitted to everyone last month and if there were no corrections or comments he would entertain a motion for approval.

Brad Overton made a motion to approve the annual report as circulated. The motion was seconded by Jeff Valiant and unanimously carried.

The President explained the Rules of Procedure to the petitioners.

SUBDIVISION FOR PRIMARY PLAT APPROVAL:

PP-13-10 – Reid Ridge Subdivision by William & Jacquelyn Pemberton ½ interest, and David & Dianna Harris ½ interest, owners of record and applicants, 7.208 acres located on the E & W side of Kiddie Road approximately 260' E of the intersection formed by Kiddie Road (N1250) & SR 61 (W300), Town of Lynnville. (Complete legal on file.) *Advertised in the Standard December 29, 2013. Continued from last regular meeting held January 13, 2014.*

Bill Pemberton was present.

The President called for a staff report.

Mrs. Rector said they have submitted all the return receipts from certified mail of notice to the adjacent property owners. She said the subject property is zoned "R-1A" which requires a minimum of 75' at the building line and a minimum lot area of 9,000 square feet. She said this is a proposed two lot subdivision and both lots are over 3 acres (Lot 1 3.03 acres and Lot 2 4.185 acres). She added there is no flood plain

on the property. She then added Lynnville has ruled no improvements will be required to Kiddie Road; however, there is an issue with the right-of-way. She said there is a triangle piece that no one can figure out who owns it, including the town. She said any primary plat approval should be subject to the right of way issue being resolved. Mrs. Rector said the Drainage Board ruled no drainage plan is required due to large lots today and Lynnville submitted a letter stating *"This is to verify that sewer and water lines exist on Kiddie Road in the Town of Lynnville, County of Warrick. However, there are ongoing concerns and negotiations with IDEM regarding the future status of the water booster station that is required to maintain water pressure on the line. Therefore, the Council cannot guarantee that any new homes on Kiddie Road will be allowed to tap into the water line. The Council suggests that any new construction should make alternate plans for the water supply, such a well or cistern."* She then added that primary plat approval conditioned upon the water/sewer issue be settled before secondary plat recording or they submit soil tests for septic sites and agree to wells or cisterns. She added the plat is in technical conformity with the Subdivision Control Ordinance.

Mrs. Rector said Mr. Pemberton was going to continue this again but advised him to allow the Board to hear the plat since he will have five years to bring in a secondary plat and within that five years the water/sewer issue should be straightened out and he would either go with wells/cisterns or the water lines would be built. She said that is why he came tonight instead of continuing it again.

Mr. Pemberton asked if he didn't have water would he have to hook up to their sewer.

Mrs. Rector said she didn't know what their regulations are but he will not be able to get a permit without water or sewage disposal permit.

Guy Gentry asked where the triangle in question is located.

Mrs. Rector showed him on the plat.

Mr. Pemberton said he has Attorney Don Ashley looking into the issue.

Guy Gentry said hopefully it will be there because otherwise they won't have fifty feet of frontage.

Mrs. Rector said she believes it is right of way.

Mr. Pemberton said he thinks so too and he has talked to all the landowners; he said one man thinks it might be he but he doesn't know for sure. He said there is no record of it anywhere.

Guy Gentry said his question to Attorney Doll is how they can approve this if they don't have road frontage.

Attorney Doll said they would have to approve it conditioned final plat approval on it being resolved.

Ascertaining there were no other questions from the Board and being no remonstrators present, the President called for a motion.

Brad Overton made a motion to approve PP-13-10 subject to the conditions that the sewer and right of way issues be settled prior to secondary plat recording. The motion was seconded by Jeff Valiant and unanimously carried.

REZONING PETITION:

PC-R-14-01 – Petition of Level Development, LLC by Dan Buck, Member. OWNERS James K. and Jacqueline Johnston to rezone 7.88 acres located on the E side of Lenn Rd. 200' E of intersection of Oakpark Dr. and Lenn Rd. Ohio Twp. From "R-3" Resort to "R-2" Multiple Family. *Complete legal on file. Advertised in the Standard January 30, 2014.*

Jim Morley, Jr., Morley and Associates and James & Jackie Johnston were present.

The President called for a staff report.

Mrs. Rector said they have submitted the white pay receipts showing they were mailed by the 21 day deadline and they still need to submit the return receipts from Adib Michael Hawa; Chris Estep; James & Carolyn Courtney and W & W Contractors, Inc. She explained this rezoning goes with the primary plat that is next on the agenda. She said this is a request to rezone 7.78 acres from R-3 Resort to R-2 Multi Family. Mrs. Rectors said the R-2 zoning requires a minimum of 60 feet at the building line and a lot area of 6,000 square feet or 3,000 per dwelling unit whichever is greater. She explained the Comprehensive Plan projects the area to be moderate to high density residential bordering commercial and the existing land use is vacant. She further explained the property to the North is zoned "R-MH" being Pecan Mobile Home Park; the West is vacant "R-2" Multi Family that is owned by the Johnston's and across Lenn Road is zoned "R-1A" Twin Oaks Subdivision; to the East is also owned by the Johnston's and it is zoned "C-4" General Commercial; to the South is Agriculture with a residence and to the SE is "M-2" General Industrial being Heritage Commercial Court.

Mrs. Rector stated they have filed a 38 lot residential subdivision that is next on this agenda. She explained residences are not allowed in an "R-3" Resort zoning. She said they are also requesting the Board grant a waiver from the Rules of Procedure in order for the rezoning petition to be forwarded to the County Commissioners on February 24, 2014 instead of March 10, 2014. She added they want to get the plat recorded as soon as possible so they can start construction of a home to be entered into the Parade of Homes. She said it shouldn't be a problem getting the certified report to the County Commissioners in time. She added there is no flood plain on the property and the subdivision plat has platted streets giving this property access from Lenn Road. She said the property contained in this rezoning petition lies within the proposed subdivision. She said the stated use is a residential subdivision which is allowed in the R-2 zoning. She said the application is in order.

The President asked why the property was zoned R-3.

Mrs. Rector said at the time Mr. Johnston planned on putting a nursing home there. She added the ordinance has now changed and the R-3 doesn't allow residences at all.

Jim Morley, Jr. said the R-3 zoning is the only one that doesn't "trickle down".

Bill Byers asked if there is only one entrance into the subdivision.

Mr. Morley stated that is correct.

Guy Gentry asked if there will be duplexes in the subdivision since R-2 is multifamily.

Jim Morley, Jr. said the intent is single family homes. He said part of the property was already R-2 and so they made it all the same.

Mrs. Rector said it also allows for smaller lots.

Discussion ensued over the plat layout and the wetlands area was questioned.

Jim Morley, Jr. said that area has wetlands and easement in that area and so it is non buildable and will be given to the homeowners.

Mrs. Rector said they will discuss all that with the plat.

Ascertaining there were no other questions from the Board and being no remonstrators present, the President called for a motion.

Richard Reid made a motion to waive the Rules of Procedure and forward this rezoning to the County Commissioners on February 24, 2014, with a recommendation approval. The motion was seconded by Brad Overton and unanimously carried.

The President stated this is a recommendation and so any primary plat approval will be contingent on the rezoning being approved by the Commissioners.

SUBDIVISION FOR PRIMARY PLAT APPROVAL:

PP-14-01 – Oakpark Subdivision by Level Development, LLC by Dan Buck, Member. OWNERS James K. and Jacqueline Johnston. 11.47 acres located on the E side of Lenn Rd. 0' E of the intersection formed by Oakpark Dr. and Lenn Rd. Ohio Twp. *Complete legal on file. Advertised in the Standard January 30, 2014.*

Jim Morley, Jr. and Jim Johnston and Jacqueline Johnston were present.

The President called for a staff report.

Mrs. Rector said they mailed notices on time but they still need receipts from Chris Estep; Carla Bolin & Lisa Heck; Stacie Hardin; Deemer LLC; Jaret and Kristin Strickland. She said this property is currently zoned "R-2" Multi Family and "R-3" Resort that is the rezoning petition on the agenda this evening to rezone the R-3 property to R-2. She explained the "R-2" zoning requires a minimum of 60 feet at the building line and a lot area of 6,000 square feet or 3,000 per dwelling unit whichever is greater. She said if the County Commissioners do not approve the rezoning this plat will not be in compliance because residences are not allowed in an "R-3" zoning. She said there is no flood plain on this property and they are proposing 38 lots between 6,000-8,000 square feet and a large Out Lot A for drainage/wetlands. She said the street construction plans were approved by the Commissioners today and the Drainage Board approved the drainage plans today with the condition that a trash rack be installed on the basin discharge pipe.

Richard Reid said it was a 15 inch rack.

Guy Gentry asked if that would be a screen to which Mr. Morley answered it was.

Mrs. Rector stated they have submitted a capacity letter from Newburgh Sewer and a letter from Indiana American Water stating they have an existing 8" water main on Lenn Road and will be able to provide water service to Oakpark Subdivision contingent upon the following:

1. Applicant will install, at its sole cost, a properly sized water service line in accordance with Indiana American's rules on file with the Indiana Utility Regulatory Commission and Indiana American's water service line requirements and specifications.
2. Compliance with all applicable rules or regulations of the Indiana Dept. of Environmental Management.

Mrs. Rector said this is a proposed residential subdivision and it is in technical conformity with the condition the rezoning be approved by County Commissioners.

Jim Morley said they are looking forward to getting the subdivision going in the County.

The President asked what size home they plan on constructing there.

Mr. Morley said he would guess in about the \$150,000 to \$200,000 range homes.

Guy Gentry asked if it would be about 1500 square feet.

Mr. Morley said probably a little bigger than that.

Guy Gentry asked if it will be one developer or will the lots be for sale for other people to build in.

Mr. Morley said he thinks they are having on going conversations with one builder but he isn't sure if anything has been finalized.

Amanda Mosiman asked to be shown the drainage area and have it explained to her.

Mr. Morley showed the area to her.

Mrs. Rector asked if the Army Corps of Engineers regulate the wetlands.

Amanda Mosiman asked what capacity the retention basin will hold before it overflows.

Mr. Morley said the retention basin exceeds the Warrick County standards which require it to hold the difference between a five year and a fifty year storm. He said that is five year undeveloped and fifty year developed. He said this exceeds that requirement.

Mrs. Mosiman said that answered her questions.

Mr. Morley said in regards to the wetlands; they are in the jurisdiction of the Corps of Engineers and that is why they avoided all of them.

Ascertaining there were no other questions from the Board and being no remonstrators present, the President called for a motion.

Jeff Valiant made a motion to approve PP-14-01 subject to the rezoning being approved by the County Commissioners. The motion was seconded by Brad Overton and unanimously carried.

AMENDING ORDINANCE TO THE COMPREHENSIVE ZONING ORDINANCE:

AN ORDINANCE TO AMEND ARTICLE XXI DEVELOPMENT REGULATIONS SECTION 5 REAR YARD OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA. *Advertised in the Standard January 30, 2014.*

The purpose of this ordinance is to increase the allowed square footage of unattached accessory buildings on properties exceeding 100' in depth by figuring the required rear yard as 25% of lots depth instead of standard 25 feet.

The President called for a staff report.

Mrs. Rector said she made some drawings to help explain what she is trying to accomplish. She said the first example is a lot that is 100' x 100' and with the current regulations someone could have a 750 square foot building. She said the way you figure that is the required rear yard is 25 feet and when you multiply that times the width of the lot and then multiply that by 30% you get the size of accessory building allowed. She said the second drawing is a lot that is 100' x 200' and according to the current regulations they could only have a 750 square foot building even though this lot is twice as deep. She said the third drawing shows the 100' x 200' lot if you applied the 25% of the depth. She said in this case the rear yard would be 50' and after doing the calculations they could have a 1500 square foot unattached building. She said the next drawing shows a lot that is 200' x 100'. She said in this instance the required rear yard of 25' times the 200' frontage times the 30% would allow a 1500 square foot accessory building anyway and is would be the same acreage as the other lot. She said that doesn't make sense and it isn't fair.

Attorney Doll asked if this fixes the issue.

Amanda Mosiman asked if instead of figuring a max percentage of the width if you could figure a percentage of the total area.

Mrs. Rector said they have to have something to establish the rear yard. She said you can only cover 40% of the entire lot; house and any other buildings.

Amanda Mosiman asked if the rear yard ordinance is so they don't have people putting accessory buildings in front of their houses.

Mrs. Rector said they have front, back and side yard setbacks. She said right now it is 25 feet front and rear yards and 6 feet side yards. She said before the ordinance was figured by percent. The required rear yard was 25% of the lot depth and the side yards were 25% of the lot width with 10% on one side and 15% on the other.

Mrs. Rector said they could have the rear yard to be a flat 25% but then it still won't change the fact that if you have a wide lot it increases the allowed size of the building. She said what she is proposing is they use the 25' required rear yard unless the lot exceeds the depth of 100 feet and then they would use 25% of the lot depth for the calculation. She said it is the lots that are deep that are being affected.

Jeff Willis asked if there is a reason why it is based on the required rear yard. He questioned if someone had a deep lot but they wanted to put their house farther back on the lot...

Mrs. Rector said people can set their houses back as far as they want as long as it doesn't get closer to the 25 feet in the back. She said this is a way to figure the size of an accessory building.

Jeff Willis said if it was 25% of the lot depth then it could prevent someone from constructing their home farther back on the lot. He said he thinks it is a good idea and he wants to solve it for people without them having to come before a Board (BZA) to build a garage that would be approved any way.

Mrs. Rector asked if they even care how big of an accessory building people construct as long as they don't exceed the 40% maximum allowed coverage.

Bill Byers said he didn't think they do.

Richard Reid said they still need the setbacks.

Mrs. Rector said they would still have the setbacks they do now.

Guy Gentry asked if the barn in Mansfield Subdivision fall under the 40% coverage.

Mrs. Rector said they had to get a Variance because it was too close to the property line but it was fine for its size. She said the neighbors didn't like the height of it either but it met the height restriction.

Mrs. Rector said it would be easier on staff to figure the flat 40% coverage.

Guy Gentry said developers could cover other requirements with restrictive covenants in their subdivisions.

Attorney Doll said some subdivisions ban outbuildings.

Discussion ensued over amending wording.

Attorney Doll said it should say an accessory structure(s) may not exceed the maximum feet in height of the zoning district in which it is located (see Table B this Article), provided that no accessory structure (s) shall be closer than three feet to a side or rear property line.

Amanda Mosiman asked if they should put in the 40%.

Attorney Doll said that is already in there with the district.

Mrs. Rector said the ten feet between the structures is a fire code.

Discussion ensued over the accessory buildings being allowed 3 feet off the side or rear property lines.

Attorney Doll said they are getting rid of the percentages and are going to fall back on the 40% rule plus they have to abide by all setbacks in that district.

Guy Gentry said why not say that.

Attorney Doll said they allow accessory buildings closer than the 25' setback line.

Mrs. Rector said an accessory building can go in the side or rear yard. She said the accessory building can go in the 25' setback but no closer than three feet to the side or rear property lines unless there is an easement there.

Attorney Doll said in effect there is a setback rule for accessory buildings which is 3 feet and all other structures (house) must meet the 25' front and rear yard and 6' side yard setbacks. He said this ordinance will simply say the accessory buildings will have to abide by the height restrictions and the 3 foot setback requirement and other than that it is subject to the 40% coverage rule of the lot, which is elsewhere in the Table B. He said that and maintaining the ten feet between structures which is a fire safety rule.

Guy Gentry asked if they need to re-advertise this ordinance since they are changing it.

Attorney Doll said it can be amended as the motion is made to recommend approval to the Commissioners.

Mrs. Rector said while they are discussing this she would like to add that there was a man who came into the office and was arguing the fact that the ordinance said accessory structure from the principle dwelling. She said the man wanted another accessory structure on his property and argued they all didn't have to be ten feet apart. She said that is why "(s)" is after structure.

Discussion ensued over the wording and location of the "(s)".

The President asked if there were any other comments from the Board.

Bill Byers asked if she would send them the corrected ordinance.

The President asked if the Board wished to move on this tonight or continue it to the next meeting.

Mrs. Rector said she will correct the ordinance and email it to them. She said Mr. Reid will be at the Commissioners meeting and he will know if the changes were correct.

Richard Reid said that is true and they should forward it on.

Bill Byers made a motion to move forward with the amending ordinance and send it to the Commissioners with a recommendation of approval as amended this evening. The motion was seconded by Jeff Valiant and unanimously carried.

The President said this ordinance will be forwarded to the County Commissioners with a recommendation of approval and will be placed on the March 10, 2014 agenda.

ATTORNEY BUSINESS:

Attorney Doll said he is working on the complaint in court for Asher.

EXECUTIVE DIRECTOR BUSINESS:

Unsafe buildings discussion

Mrs. Rector said she reported to them at the last meeting that she would be going to a meeting with Commissioner Williams. She said another meeting was also scheduled for last Thursday that she and Attorney Doll attended. She asked him to explain what transpired.

Attorney Doll said the State of Indiana has about \$75 million to be divided among 92 counties. He said the money is left over from the Hardest Hit Fund where people couldn't make their mortgage payments. He said the U.S. Treasury has approved the State's request that would allow Indiana to divert the money from saving people's homes to tearing down people's homes. He said Warrick County has been placed in Division 4 and it has almost \$9 million dedicated to it. He said they have created this very complicated matrix by which they are encouraging all units of governments in Warrick County to band together and apply as a unit and compete against the other eleven counties in Division 4 for their share of the money.

Attorney Doll said once they get the money they can use it to tear down homes that are blights in the community. He said they can only spend \$15,000 in total to tear down a single story home or \$25,000 in total to tear down a home with a basement. He said this is immensely complicated and the biggest drawback to the program is they have to own the homes. He said they can't tear down a home like the Town of Chandler. He said they tear it down and put a lien on the property for the cost of the teardown so at some point in time when the property sells; Chandler gets its money back and they get rid of dilapidated buildings that way. He said that won't work with this program.

Attorney Doll said the deadline for them to submit their list of desired homes to tear down is late July. He said they can tear down up to four units in a single structure – that could be a small apartment building. He said he doesn't know how much money is allowed for that. He explained that this is a point matrix system and the points have to add up to 104 points in order to qualify. He said Warrick County will have to have an engineer to certify these houses are condemned due to extensive fire, water or structural damage. He said they will not get any up-front money for doing that but they have to have it determined at the time they file the application to the State to get the money. He said so the question is where they get the money to hire the engineer say the house is unsafe and rank it for the points. He said if it has lead paint, mold or asbestos that ranks for points as well. Attorney Doll said it also gets points if it is a public safety issue – meth house – and at the end of the day the possible total points is 104. He said the more points the house gets the higher it is ranked.

Attorney Doll said they had all kinds of discussions about having to put together some kind of operating group with Newburgh, Boonville and Chandler. He said he didn't think Tennyson had a representative at the meeting. He said Newburgh wasn't there either but someone said they were interested in participating. He said they would have to put together some kind of operating agreement and they would all have to agree to put their houses in and they would have to make a map of the county and a "hit list" of the houses they would hope to include. He said then they would have to theoretically have to acquire the house, and he doesn't know where they will come up with the money to do that, or get an option to acquire the house. He said they can see his hesitation to see how this is going to work because they may not even be able to find out who owns the house in some of these cases.

Guy Gentry said and this is all by July 21st.

Attorney Doll said and then they will make the award in August. He said and then they have to start letting bids to authorized contractors to start tearing them down. He said the contractors will have the responsibility to enforce the environmental standards and so if it is asbestos ridden they will tell them they have to dispose of it correctly. He said he isn't sure of what the liability will be if it gets into the landfill instead of where it is supposed to go. He said the program expires December 31, 2017.

He said they could acquire the houses through Sheriff sales, tax sales, etc. and some counties have said they plan on going to banks that have foreclosed on the dilapidated houses and see if they will give the property to the local units of government. He said his argument is be careful of what you ask for because what if they get the property given to them and then they don't qualify for the blight elimination program and now they own a dilapidated house that has kids or varmints in the structure. He said this could be a nightmare. He said this is a committee of bureaucrats that has designed an elephant that is blind.

Guy Gentry said he sees \$70 million but Indiana got \$221 million.

Attorney Doll said some of it was spent.

Guy Gentry asked if there was a record of what was spent.

Attorney Doll said he didn't know about the money but the Hardest Hit Fund never did work.

Guy Gentry said he thinks the \$70 million should go to pay down the deficit.

Attorney Doll said they don't get to make those decisions. He said he doesn't know why the Federal Government is letting them spend \$70 million to tear down homes; he doesn't see where that is a national priority.

Mrs. Rector said the Plan Commission staff does not have the expertise to determine this; it has to be a structural engineer to do this and there is no money for this and she is sure the Council isn't going to give them \$25,000-\$30,000 to start up.

Brad Overton commented they still need to come up with \$200,000 for health insurance.

Attorney Doll said they also have to have title insurance ran too.

Mrs. Rector said they don't see how it is going to work.

Amanda Mosiman said it is like them saying they will give them \$70 million but not really.

Attorney Doll said Debbie Bennett-Stearnsman (grant writer) was forth right about that in the meeting and she said that they say it is free money but it isn't free money. He said the group of governments that band together are going to have out of pocket expenses to process this. He said he doesn't think it will be insignificant out of pocket expense either. He said they have to have everything done before they can even apply for the money. He said everything has to be done up front before they apply for the money and then they may not get it anyway. He said there is a three year extinguishing lien placed upon the land too. He said so they buy the house, get the money, tear it down and then if it sells within that three years they have repay a portion of the teardown money. He said he thinks this will make it a guarantee that the

property sits empty for three years. He said they could make the extinguishing lien go away earlier if they petition the State to let them donate the land to Habitat for Humanity or a charity group, etc. He added they will be given \$1,000 per year to mow the grass on these lots. He said this is way over complicated and he can't see how it is going to work. He said he is their servant and if they tell him to do it he will but he has...

Mrs. Rector said they are supposed to have another meeting February 27th.

Amanda Mosiman said she sees something in the paper work they will do site visits so does that mean someone is going to come down and look at the houses they want to tear down. She then asked how a bank can tear down a home.

Attorney Doll said they can if they own it but they don't want to because they don't want to pay for it. He said if they own it through foreclosure they can tear it down, sell it or whatever they want to. He said Federal Bank Regulators do not want banks to own homes; they want them out of that business. He said Mrs. Rector was given a list of possible drug bust houses that could be looked into. He said some of the properties have been rezoned by this Board and they are being occupied and used by people for other purposes.

Mrs. Rector said some of the busts were in 2004 and there have been 2-3 different property owners.

Attorney Doll said and now some are businesses.

Amanda Mosiman asked if the owners know it was a...

Attorney Doll said he didn't know but the property is on a list of possible target sites for blighted elimination. He said he is not trying to be negative but this is just a nightmare he doesn't know how to make it work. He said it is a great idea and they all want to improve their community but free money is never free. He said this has all kinds of tags and regulations – it is five pages to tell you what you have to do. He said they can't make this work. He said they are trying this in Indianapolis and Gary or Fort Wayne first and they have to work the bugs out. He said their deadlines are March instead of July. He said tell him what they want him to do. He added they can continue to go to the meetings and listen.

Amanda Mosiman asked if he knew the other counties in this district.

Attorney Doll said it is Columbus and New Albany and counties up north. He said it is based on population. He said there are five divisions.

Guy Gentry said it says it is Bartholomew, Boon, Dearborn Floyd, Grant, Hancock, Howard, Kosciusko, Morgan, Warrick and Wayne counties. He said they are all between 50,000 and 82,000 people.

Attorney Doll said he doesn't know if they will get a lot of money but they could say if they got \$250,000 that could tear down ten houses. He said he isn't saying they don't need to tear down some houses but there is no free money.

Guy Gentry said first they have to buy the property.

Richard Reid said he would think on repossession the bank would give them the property.

Attorney Doll said that would depend on the value of the house. He said if it has some market value the bank has a duty under Federal Law and bank regulations to try to maximize their return.

Richard Reid said he has looked at a lot of those things and to him they have a negative value.

Attorney Doll said he would bet if it was, the bank would have a bunch of red tape to go through to get the Federal Regulator to let them give it away. He said they will do whatever they want them to do; he and Sherri are looking for direction.

Mrs. Rector said someone is going to have to go to the County Council and ask for the money up front to purchase the property and hire an engineer. She said they have to do all this paperwork first and there is no guarantee they will get any money.

Attorney Doll said they need to evaluate the house before they try to buy it because it may not come up to 104 points.

Bill Byers said it has to come up to 82 points to even qualify. He then asked what if they could tear it down for less than \$25,000; do they get what it costs to tear it down or do they get the whole \$25,000.

Attorney Doll said they only get what it will cost to tear it down. He said the maximum is the \$25,000 and they can't make a profit.

Mrs. Rector said the extra money goes back into the kitty.

Attorney Doll said and if they sell the property within the three years that money goes back into the kitty. He said there are hidden up-front costs.

Guy Gentry commented he has heard about Vanderburgh County doing this.

Attorney Doll said they are using Federal Stimulus Dollars; not Hardest Hit money. He said they were tearing down 20-30 houses a month. He said those funds were carried over from Mayor Weinzapfel's administration and now Mayor Winnecke is doing it as well. He said they use their community planning/development group and they do public bids and they don't have any of these requirements. He said but allegedly Vanderburgh County is going to participate this in the program as well.

Guy Gentry said but they have the up-front money.

Richard Reid asked if they would want to continue to go to the meetings.

Attorney Doll said he serves at their pleasure and if they tell him to go to the meetings he will go and will be glad to report back to them where they are and what they are doing. He said Chandler and Boonville acted like they wanted to do something and they said Newburgh wanted to do something.

Mrs. Rector said she thinks they have their own funds to do it and they can do it separate.

Attorney Doll said they can apply for the grant separately but Debbie Bennett-Stearnsman said there is strength in numbers and if Warrick County wants in this they should all apply together as a consortium.

Mrs. Rector said and then who will decide who gets what amount of money.

Attorney Doll asked what the Board wants them to do.

Guy Gentry said he doesn't see where the Council has money to give to set it up and get this started so...

Attorney Doll said he feels like they are window shopping.

Mrs. Rector said Commissioner Weisheit was at the meeting and she thought he was going to talk to Commissioner Williams and they know that someone will have to go to the Council and until the Council says they will fund the study and evaluation...

Attorney Doll said they have to identify and rate the houses.

Amanda Mosiman asked if the towns have money to do this.

Attorney Doll said they don't know if they do.

Jeff Willis said Boonville has been tearing down houses.

Guy Gentry said he thinks that money is from Boonville Now and not city government dollars.

Mrs. Rector said the County did have an unsafe building ordinance but they had to withdraw it because the Council couldn't fund it; otherwise they could be doing the same thing as Boonville.

Attorney Doll said they could be doing the same thing Evansville is doing but they don't have the money. He said they are better off not having the ordinance if they don't have the money because if they have the ordinance and a child gets hurt in a dilapidated structure then someone will be saying a child was injured due to the County's neglect of their duty.

Brad Overton said he can't speak for the entire Council but if they had a projected cost or something they could look at...

Attorney Doll asked how many houses in the County they thought would qualify. He said that is the first thing, they don't know the subset of homes to be considered for tear down.

Brad Overton said he can drive from his house to his church and probably see five that could qualify. He asked how you pick; the one that is on the east corner of the County or get the one that is more centrally located and has more traffic passing it. He said there would have to be some qualifiers.

Attorney Doll said they are all on this matrix point chart and you have to have an engineer.

Brad Overton said there is not extra money available and all they have setback is in case of an emergency and this would not qualify as a dire emergency.

Attorney Doll said even if they used existing County staff right now to identify the houses and put them in a chart they would still have to have an engineer go out to look at them. He said perhaps they could cut a deal with a new engineer to find out if they can get enough points on these houses to get them to qualify. He said then they have to identify the owner and find them and get them to option the property to the County. He commented the owners would probably want more than the property is worth. He added they will also have to pay the past due property taxes, sewer assessments or school assessments and by that time there won't be much money left to tear down the house.

Brad Overton said if you would figure \$300 per house to go look at them; if you look at ten houses you are at \$3,000, He said maybe there is ten houses maybe there are twenty houses and you could be looking at up-front costs of \$5,000 to \$10,000 and they don't know if they would get the grant money or not.

Attorney Doll said he thinks it is folly. He said if they want him to continue to work on it he will diligently do so but he will be forthright with them.

Amanda Mosiman said she didn't think this was their best option.

Attorney Doll said right now they don't have any other option but that doesn't make this a good option.

Attorney Doll said he doesn't have any idea how Warrick County can afford to do this. He said they are worried about keeping health insurance on the employees, how are they going to be able to do this. He said it is wants and needs and this is a want.

Mrs. Rector said the County had to lay off workers this year.

Attorney Doll said this is unworkable because the people will want too much money for the houses they will be tearing down.

Jeff Willis asked about the houses on tax sales.

Attorney Doll said then they would have to wait for the properties not sold on tax sales they have to wait for the Commissioners to acquire them and that is a lengthy process and the clock is running because they have to have all this in by July 21st.

Brad Overton said with the financial circumstances they are in he didn't see how this would be cost effective.

Jeff Willis said this says it is a three year plan; does everything have to be done by July 21st – is it only one time.

Attorney Doll said they didn't absolutely say that but it was implied that it was an upfront deal and then you had three years to finish tearing them down. He said they are supposed to announce on August 28th who gets the money.

Mrs. Rector again asked if they want her and Attorney Doll to still go to the meetings.

Amanda Mosiman said she didn't think it is the best use of their time right now. She thanked them for looking in to it because this is something they are all concerned with but it is her opinion it is not the best use of their time.

Mrs. Rector said she would like for some way to inform the Commissioners of the feelings of this Board. She said she knows they are looking at this.

Amanda Mosiman said Commissioner Reid is here and is a member of this Board.

Attorney Doll said it isn't that they are not interested in cleaning up the County it is just they don't see this as a viable program.

Amanda Mosiman said she thinks they would agree and if all the Commissioners were in this meeting they would see this isn't the best idea.

Attorney Doll said two of them have heard it now; Richard and Marlin have. He said Don Williams hasn't heard it but he isn't unreasonable and he thinks he would look at it and realize it isn't very common sensible.

Mrs. Rector asked if he would speak with Commissioner Williams.

Attorney Doll said he would.

Guy Gentry said or write a short letter to him.

Attorney Doll said he thinks they could talk to him and see what his questions are and whether he wants them to continue with it.

Richard Reid said he knows he has it on his desk in there.

Attorney Doll said Marlin got it for everybody.

Amanda Mosiman asked how he feels as a Commissioner.

Richard Reid said he would like to clean up the County but he knows it is going to be expensive to do. He said he didn't know if they could use the Building Inspector to do the inspections and have a sign off by the engineer. He said a lot of stuff – like lead based paint – if the house was built around 1978 it will have lead based paint automatically. He said those are slam dunks. He said then if you look at a house and it doesn't have a roof on it ...

Amanda Mosiman said a mold test would also be easy enough.

Attorney Doll said it has to be documented throughout the structure and/or ordinance or code violation.

Richard Reid said it is going to be hard to document mold because no one even likes to touch that.

Attorney Doll said it costs...he had an occasion to price that recently and it was about \$1,000 for a client to have it tested if it was really mold. He said it looked like mold to him.

Amanda Mosiman said it depends if it is the right type of mold. She said they have to culture it to see if it is black mold.

Attorney Doll said and then if the structure has asbestos that is another test.

Richard Reid said that is pretty slam dunk too but it is going to be expensive to do for sure.

Attorney Doll asked if there is anything else he can answer. He asked if they want to pass a resolution or do they just want them to not ...

Guy Gentry said not. He said talk to Don and see if he still wants to pursue it and come back and talk to them again next month which would put them farther behind. He said he sees no reason at this juncture to go on.

Attorney Doll said would he and Mrs. Rector be accurate and have the Plan Commission's blessing to say while they don't speak for Warrick County, if they are at the February meeting, that the Plan Commission is hesitant to participate in the program because of the complications and cost.

Brad Overton said he would think that is more of a Council concern.

Mrs. Rector said she thinks the Commissioners should say that.

Attorney Doll said the Commissioners are the ones who will really have to bite the bullet and say we are in or out. He said if they say we are in then we are in.

Mrs. Rector said the Plan Commission office doesn't have the staff or the expertise to do this and so the Commissioners are going to come up with the staff to do it.

Attorney Doll said it is going to take a system – they have to identify the houses, inspect the houses, identify the owners and contact them to get an option to acquire title and then score the matrix to see if they qualify. He said what if Warrick County collectively comes up with 50 houses but they only get funding for 35 houses.

Jeff Willis asked how will they choose what 35 get torn down.

Amanda Mosiman said and then they are sitting with the ownership of 15 houses they don't have funding for.

Attorney Doll said they would have to decide who gets the funding.

Jeff Willis asked if they will be told which houses qualify for the funding or will they just be told that 35 houses were approved.

Attorney Doll said since there is a matrix then the points will put them in or out so obviously if you don't get all the money it will be the lower point houses that are cut. He said so it may self-eliminate the issue.

Guy Gentry said it also depends on how many houses the other Counties throw in; if Warrick County is the only one who participate then they will get everything they put in for.

Attorney Doll said but if Columbus, Indiana really wants to do this then they may put in 100 houses and it would behoove them to really badmouth the houses to get the scores up as high as they can. He said the government allocated money to save people's mortgages and that didn't work and so rather than to admit the program was a mistake and send the money back to Washington they are going to figure out some other way of using it; even if it is ridiculous.

Guy Gentry said he doesn't know how the federal government can allow the state to do this anyway.

Attorney Doll said it was a U.S. Treasury program and Indiana asked for a waiver because they had all this money left over from Hardest Hit Fund. He said we all know people – he has foreclosures on his desk where the people didn't qualify for Hardest Hit. He said and now they are going to use the money that was set aside to save these people's homes to tear the houses down. He said sometimes they need to say send the money back.

Guy Gentry asked if there was any other discussion and if not he would entertain a motion to adjourn.

Bill Byers said he would like to say that in his past experience with the Newburgh Plan Commission every month they had a report that showed the previous month's applications made and issued and what the costs of the project was and what fees were paid. He asked if that would be possible to get that information.

Guy Gentry said they do an annual report every year.

Mrs. Rector asked if he was talking about the Improvement Location Permits because they do a monthly report at the end of each month and they are posted on-line for everybody to see. She said they have to do it every month for the Census Bureau. She said it can be printed out and brought to each meeting.

Amanda Mosiman said they have this beautiful technology in the meeting room that isn't used and asked if there was a way to utilize it and if there isn't she could find the equipment in her office. She asked if they could post and view the agendas on the monitors in front of them. She said she has never seen them used and it would keep them from having to print them. She said they are all now having to take out their trash from their offices and make sure they hit the right recycle bin and she isn't going to get started with that right now.

Mrs. Rector said they used to use the monitors at each meeting. She said the large monitor went out and she didn't know if it was fixed.

Discussion ensued over using the monitors.

Mrs. Rector said the Board like using the monitors and they could show the GIS aerials and they could show the violation pictures. She said the other Board members didn't like the monitors and would take them down.

Jeff Willis said you can't see the person speaking with the monitors in front of you.

Amanda Mosiman said when she was at the Council meeting last year it would have been beneficial to have had that same paper work in front of each member.

Discussion ensued over the location of the monitors.

Richard Reid said they have a new I.T. person who might be able to fix it.

Amanda Mosiman said she is an I.T. geek and would love to be able to fix it.

Attorney Doll then asked about the reports that the office does for the permits; do they do a running total to date or a month total.

Mrs. Rector said they can run any kind of report they want.

Attorney Doll said he didn't want to create her more work but it probably wouldn't be a bad idea to throw a sheet showing last month's permits and fees collected.

Richard Reid said they might do a year to date too.

Bill Byers said they would have that as they update it.

Mrs. Rector said the office does them anyway and all it will cost is the paper copies to put in their folders.

Being no other business the meeting adjourned at 7:25 p.m.

Guy Gentry, President

ATTEST:

Sherri Rector, Executive Director